

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

PETER JULIAN DEPAOLA,

Debtor.
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Chapter 7

Case No. 23-42634 (NHL)

**STIPULATION AND ORDER EXTENDING THE TRUSTEE’S TO FILE A COMPLAINT
OBJECTING TO THE DEBTOR’S DISCHARGE TO JANUARY 21, 2025**

WHEREAS on July 26, 2023 (“Filing Date”), the Debtor, through counsel, filed a voluntary petition for relief pursuant to Chapter 11 of Title 11 of the United States Code (“Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of New York (“Court”); and

WHEREAS, pursuant to the Order entered on November 20, 2023, the last day to file claims in the Debtor’s chapter 11 proceeding was January 19, 2024. See ECF No. 30; and

WHEREAS, by Order of the Court dated July 17, 2024, the Debtor’s Chapter 11 was converted to one under Chapter 7 of the Bankruptcy Code. See ECF No. 79; and

WHEREAS, Gregory Messer was appointed as the interim Trustee of the Debtor’s estate, has since duly qualified and the permanent Trustee administering the Debtor’s estate; and

WHEREAS, after the Trustee’s appointment, the Trustee scheduled the Debtor’s meeting of creditors, pursuant to Bankruptcy Code section 341 (“Meeting of Creditors”), for August 22, 2024; and

WHEREAS, on August 22, 2024, the Trustee and his counsel conducted the Meeting of Creditors, and the Debtor failed to appear. The Trustee adjourned the Meeting of Creditors until September 9, 2024, at 2:00 p.m.; and

WHEREAS, in an email dated Friday, August 23, 2024, the Trustee, through counsel, advised the Debtor of the adjourned date of the Meeting of Creditors and advised the Debtor that his appearance is expected; and

WHEREAS, on September 9, 2024, at 2:00 p.m., the Trustee and his counsel appeared at the Meeting of Creditors; and

WHEREAS, despite the notice provided by Trustee's counsel, the Debtor again failed to appear as required under Bankruptcy Code section 521; and

WHEREAS, the Trustee needs to extend his time to objection to the Debtor's discharge because of the Debtor's failure fulfil his obligation under Bankruptcy Code section 521, and failure to provide the Trustee with the information necessary to perform his investigation; and

WHEREAS, the last day to file a complaint objecting to the Debtor's discharge was October 21, 2024; and

WHEREAS, the Trustee requested, and the Debtor consented to, an extension of the Trustee's time to object to the Debtor's discharge as set forth herein; and

NOW THEREFORE it is stipulated and agreed by and between the undersigned that:

1. The Trustee's time to file a complaint objecting to the Debtor's discharge pursuant to Bankruptcy Code section 727 shall be extended from October 21, 2024 through and including January 21, 2025, without prejudice to the Trustee's right to seek a further extension of such time.
2. This stipulation may be executed in counterparts and each such counterpart together with the others shall constitute one and the same instrument, and facsimile signatures herein shall be deemed to be original signatures.

3. The parties hereby consent to the entry of the stipulation as an order in this proceeding.

Dated: September 24, 2024
Wantagh, New York

LaMonica Herbst & Maniscalco, LLP
Counsel to Gregory M. Messer, Trustee

By: s/ Jacquelyn S. Loftin
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Dated: September 24, 2024
Brooklyn, New York

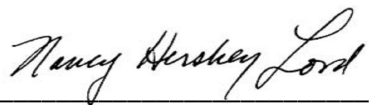
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Counsel Peter Julian DePaola, Debtor

By: s/ Caelyn T. Canace
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SO ORDERED

Dated: October 4, 2024
Brooklyn, New York





Nancy Hershey Lord
United States Bankruptcy Judge